

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ARTHREX, INC.)
Plaintiff,)
)
v.)
) CASE NO. NO: 1:22-cv-00465 CFC
NATIONAL UNION FIRE INSURANCE)
COMPANY OF PITTSBURGH, PA, and)
FEDERAL INSURANCE COMPANY)
)
Defendants.)
)

**DECLARATION OF JUSTIN F. LAVELLA, ESQ. IN OPPOSITION TO
DEFENDANTS' MOTION TO TRANSFER VENUE**

I, Justin F. Lavella, Esq., declare as follows:

1. I am a partner with Blank Rome LLP, counsel for Plaintiff Arthrex, Inc. (“Arthrex”). I make this declaration in opposition to the Motion to Transfer Venue filed by Defendants National Union Fire Insurance Company of Pittsburgh, Pa. (“AIG”) and Federal Insurance Company (“Chubb,” and collectively with AIG, “Insurers”). I make this declaration based on my personal experience and knowledge and my review of the litigation file kept in the ordinary course of business, and declare as follows.

2. Once the *qui tam* complaint (ECF 1-3) was unsealed, Arthrex promptly transmitted a copy to the Insurers.

3. Arthrex filed this action at 12:08am on April 9, 2022.

4. The Insurers filed a complaint in the United States District Court for the Middle District of Florida styled *National Union Fire Insurance Company of Pittsburgh, Pa. et al. v. Arthrex, Inc.*, 2:22-cv-00226-SPC-MRM (M.D. Fla.) (“Florida Action”) at 12:15am on April 10, 2022.

5. The first of the two Subpoenas was issued by the United States Attorney’s Office for the District of Massachusetts via email to Arthrex at its offices in Florida.

6. The second of the two Subpoenas was issued by the United States Attorney’s Office for the District of Massachusetts via email to Arthrex’s counsel based in Boston, Massachusetts.

7. As part of its investigation, the Department of Justice interviewed an Arthrex executive. The Arthrex executive took that interview via zoom while in Boston, Massachusetts.

8. Arthrex’s document productions in response to the Subpoenas were made from both Chicago, IL and Boston, MA. The U.S. Government recipients were all located in Boston, MA or Washington, D.C.

9. Attached hereto as **Exhibit A1** is a true and correct copy of the Insurers’ complaint in the Florida Action, not including its associated exhibits.

10. Attached hereto as **Exhibit A2** is a true and correct copy of the bench ruling in *Lighting Science Group Corp. v. Liberty Ins. Underwriters, Inc.*, C.A. No. 16-725-LPS, at 44 (D. Del. Feb. 15, 2017).

11. Attached hereto as **Exhibit A3** is a true and correct copy of the cover letter accompanying AIG’s insurance policy when AIG issued its policy to Arthrex. This cover letter is excerpted from an exhibit attached to the Florida Action complaint.

12. Attached hereto as **Exhibit A4** is a true and correct copy of the cover letter accompanying the Chubb insurance policy when Chubb issued its policy to Arthrex. This cover letter is excerpted from an exhibit attached to the Florida Action complaint.

13. Employees and former employees of Arthrex’s insurance broker, Aon Risk Services Central Inc. (“Aon”) have knowledge of the noticing of Claims in this action, including the parties’ early communications regarding the existence of a *qui tam* lawsuit.

14. Based upon available information from LinkedIn.com, one such Aon witness with knowledge of these issues, Stephen Feick, is located in Philadelphia, Pennsylvania.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 26th day of May, 2022, in Washington, District of Columbia.

s/ Justin F. Lavella

Justin F. Lavella, Esq.